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Promotion and protection of human rights: human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

The right to development

Report of the Secretary-General on the right to development**

I. Introduction

1. In its resolution 62/161 entitled, "The right to development", the General Assembly requested the Secretary-General to bring the resolution to the attention of Member States, United Nations agencies and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations and to submit a report to the General Assembly at its sixty-third session and an interim report to the Human Rights Council on the implementation of the resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invited the Chairperson of the Working Group on the Right to Development to present a verbal update to the Assembly at its sixty-third session.

2. The present report supplements the report of the Secretary-General on the right to development (A/HRC/8/9 of 18 April 2008) submitted to the Human Rights Council at its eighth session in accordance with the above-mentioned resolution and provides information on the ninth session of the Working Group on the Right to Development, including its conclusions and recommendations.

3. In its decision 1998/269, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/72, endorsed the Commission's recommendation to establish a follow-up mechanism to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development. The mechanism included the establishment of an

* A/63/150 and Corr.1.

** The present report was submitted later than the indicated deadline in order to incorporate the latest available information on the subject matter.

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open-ended Working Group, which has convened nine sessions. At its fifth session, in February 2004, the Working Group on the Right to Development agreed to recommend to the Commission on Human Rights that it establish a high-level task force on the implementation of the right to development, within the framework of the Working Group, in order to assist it in fulfilling its mandate as reflected in paragraph 10 (a) of Commission resolution 1998/7. The task force has convened four sessions since its first session in December 2004.

II. Updated information complementing the report of the Secretary-General submitted to the Human Rights Council at its eighth session

4. The Working Group on the Right to Development convened its ninth session from 18 to 22 August 2008 in Geneva,[1] to consider the report on the fourth session of the high-level task force, held from 7 to 15 January 2008 (A/HRC/8/WG.2/TF.2). At that session, the task force recommended a continued dialogue and follow-up activities with institutional partners on previously selected global development partnerships, such as the Paris Declaration on Aid Effectiveness, the Economic Commission for Africa/Organization for Economic Cooperation and Development-Development Assistance Committee Mutual Review of Development Effectiveness, Cotonou Partnership Agreement and the Africa Peer Review Mechanism. Building upon the assessments of the above-mentioned partnerships, the task force revised the right-to-development criteria for the periodic evaluation of global partnerships for development adopted by the Working Group in 2006 ("criteria"), as an intermediate step towards progressively developing and refining them. The task force also recommended, in the context of additional partnerships for assessment, that priority be given to the region of Latin America and the Caribbean in terms of geographical expansion and to the issues of access to affordable essential drugs, debt relief, and trading and financial systems in terms of thematic expansion.

III. Conclusions and recommendations of the Working Group on the Right to Development

5. **At its ninth session, the Working Group on the Right to Development adopted conclusions and recommendations (see A/HRC/9/17). The Working Group considered the present reordering of the criteria as an intermediate stage and anticipated a significant refinement in phase III, including providing operational sub-criteria.**

6. **The Working Group recommended that the task force improve the criteria in the light of lessons learned from their application and taking into account the Declaration on the Right to Development, other relevant international instruments as well as the views expressed by States in order to submit, at the end of phase III, a revised list of criteria that serve the purposes set out in all relevant provisions of Human Rights Council resolution 4/4. The Working Group also requested the task force to draw on the necessary expertise to (a) make the criteria analytically and methodologically rigorous, (b) provide**

[1] Originally scheduled to take place from 25-29 February 2008.

empirically oriented tools to the implementation of development partnerships, and (c) ensure that they cover Millennium Development Goal 8, including Target 8.A and other aspects not covered thus far by the task force.

7. The Working Group also recommended a workplan for the task force covering 2008 to 2010. In phase II, covering work in 2008, the task force should (a) continue dialogue with the assessed partnerships, (b) give priority to the issue of access to essential medicines (Target 8.E) and conduct a desk review of the work of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property and apply the criteria to the Global Fund on HIV/AIDS, Tuberculosis and Malaria and the Special Programme for Research and Training in Tropical Diseases, with a dialogue with these partnerships focusing on health systems, transfer of technology, and other dimensions relevant to the right to development, and (c) send a formal invitation to MERCOSUR to consider entering into dialogue with the task force on its contributions to the realization of the right to development, subject to an agreement between the parties on the scope of the dialogue. In phase III, covering work in 2009, the Working Group recommended that the task force study issues under debt relief (Target 8.D and 8.B) and transfer of technology (Target 8.F) and engage in a dialogue with the institutions responsible for the Heavily Indebted Poor Countries (HIPC) initiative and the Multilateral Debt Relief (MDRI) initiative, subject to their agreement, and learning from the experience of these institutions how the criteria can be improved. Regarding technology transfer, the Working Group recommended that the task force examine the Clean Development Mechanism and the Development Agenda of the World Intellectual Property Organization.

8. The Working Group also recommended that the task force consolidate its findings and present a revised list of criteria and operational sub-criteria on the right to development and also outline suggestions for further work.

9. Finally, in order to implement the work programme outlined above and keeping the time frame in mind, the Working Group recommended that the Human Rights Council at its ninth session extend the mandate of the task force on the implementation of the right to development until the eleventh session of the Working Group in 2010. The Working Group also recommended that the Human Rights Council extend its mandate until it completes the tasks entrusted to it by the Council in its resolution 4/4.